

April 3, 1980

Duane Marine

Michael V. Polito
Emergency Resp. & Haz. Matls. Insp. Br.

Henry Gluckstern
Water Enforcement Branch

THRU: Fred N. Rubel, Chief
Emergency Resp. & Haz. Matls. Insp. Br.

Attached is a letter I have prepared as a result of my visit to the facility on March 28, 1980.

Please review and sign off indicating agreement with the enforcement philosophy expressed. If you wish to make changes, please do so, and as a matter of time expediency, prepare for your signature with the necessary grammatical changes.

Enclosure

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Polito

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April 3, 1980

Mr. Edward Lecarreux, President
Duane Marine Corporation
26 Washington Street
Perth Amboy, N. J. 08861

Dear Mr. Lecarreux:

This letter will document my observations of my visit to your facility on 26 Washington Street on Friday, March 28, 1980. This visit was planned by you and I during our phone conversation on or about March 17, in accordance with the request of Mr. Henry Gluckstern, an attorney with the EPA Water Enforcement Branch, that I directly work with you and your professional engineer in bringing your facility in compliance with the Spill Prevention Control and Countermeasures (SPCC) Program. Prior to my visit I called your facility advising that I would be coming over. Since you were not in Mr. Vince Potestivo took the phone call and made arrangements to meet me. Upon arriving at your facility I reported to the main office where Mr. Potestivo received me and accompanied me during my inspection. As we were nearing the completion of my visit, you arrived and we concluded the visit.

The following were by observations of current conditions at Duane Marine:

1) The general housekeeping has deteriorated since my last visit, but no substantial drippings of oil were observed.

2) Four trailers which I was advised contained oil bearing solvents were stored northeast of the diked tank area, along the shoreline of the Arthur Kill. No secondary containment was provided nor was this storage in tank trailers identified in the SPCC Plan.

3) Three underground gasoline tanks of 2,000 gallon capacity were newly identified. These tanks were never identified in your SPCC Plan.

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Polito Rubel

4) The barrel storage area still did not have adequate secondary storage. A new temporary sand dike was partially completed. The dike appeared to be constructed of sand covered with plastic, in some areas, a sandbag in another area, and mounded dirt in another area. In all areas to the north, no secondary containment was provided.

5) The loading/unloading area addressed in Part II, Alternate A did not have the entire curb provided.

6) Approximately 4000 drums were stored on the property. No inventory could be supplied for the material in each drum.

During my visit you made copies of my May 22, 1979 letter to Fred Rubel and my May 22, 1979 letter to Richard Tisch. You advised that you had not seen written copies of the memos before, especially the SPCC Plan deficiencies. During discussion you recalled and I must add quite correctly, that I was to propose a meeting with you and your professional engineer, as indicated not only in my May 22 letter to Mr. Rubel but also in my letter to Mr. Tisch. Under direction from EPA attorney Mr. Larry Diamond, I was advised not to proceed, but to allow the Water Enforcement Branch to obtain SPCC Plan compliance through established Enforcement operating procedure. It must be noted however that my verbal comments made during my May 11, 1979 meeting particularly on uncontrolled facility drainage were not acted upon, particularly uncontrolled facility drainage which could result in contaminated rainfall from overflowing barrels, plant drippings etc. You advised that you would not take action on anything verbal. Please be advised that the following must be addressed in your Plan.

1. Please refer to my May 22 letter to R. Tisch. Paragraph 1-6 must be addressed in your SPCC Plan.
2. The new trailer storage must be addressed in your SPCC Plan with adequate implementation. This is a new point of non-conformance with 40CFR112.
3. The underground gasoline storage identified during this visit is another new point of non-conformance with the SPCC regulations. This also must be described with adequate implementation in your SPCC Plan.
4. Records are still not being kept. Even though you claim that your records have been seized by the N.J. Crime Commission Task Force, daily operating records since that seizure should have been available. They were not.

Please correct these items identified by submitting a copy of your corrected SPCC Plan to Mr. Henry Gluckstern, by June 1, 1980 with implementation by the same date.

I am enclosing a copy of 40CFR112 as you requested and a copy of my handwritten field notes, which Mr. Potestivo requested during my visit. I would strongly urge you to retain a professional engineer who has experience with the SPCC Program to prepare your plan, as your efforts which may be best intended, are falling short of our prevention goals.

If I can be of some help advising you of the requirements of the SPCC regulations, please do not hesitate in contacting me. Please, however, recognize that I can not write your SPCC Plan for you. This is your obligation and something which you should proceed with all dispatch.

Sincerely yours,

Michael V. Polito
Emergency Response & Hazardous
Materials Inspection Branch

Enclosure

cc: F. Rubel
H. Gluckstern